

## **Report on the 21<sup>st</sup> NSW Coastal Conference at Kiama. November 2012. Frances Bray.**

I attended the NSW Coastal Conference representing the Lake Wollumboola Protection Association Inc, with support and assistance from the Southern Rivers Catchment Management Authority and Kiama Council.

The CMA advertised for interested people to apply for assistance. I applied and undertook to provide a report regarding issues discussed at the conference to the CMA and to the NPWS South Coast Region Advisory Committee as well as to Shoalhaven community organizations and networks to which I belong.

This report fulfils that obligation. It reflects my interests but also issues of concern to the Shoalhaven community. I trust it is helpful in providing insights into the latest issues affecting coastal environments and communities. I have summarised expert analysis of the presentations and trust that I have accurately represented both their substance.

The NSW Coastal Conference is an annual event, hosted by a Local Government coastal Council, with financial support from NSW Government Agencies, in this case Kiama Council and the NSW Office of Environment and Heritage.

The Conference brings together a wide range of people concerned with coastal geomorphology, ecology, coastal conservation, planning, management and cultural heritage. Participants include staff from government agencies and councils, researchers from universities, consultants and community members.

The theme of the 2012 Conference was “Coastal Management-Coming of Age?” to which many presenters responded in the negative.

The conference took place over 4 days including a pre-conference Estuary Technical Workshop, which I attended as well as a field trip.

The program featured plenary as well as concurrent sessions. I have selected those issues of concern to the majority of participants as well as those concerned with my particular interests as it was not possible to attend many of the interesting presentations or to comment on all those that I attended.

My main interests are the need for a comprehensive vision and policy for the coast and coastal communities, ecologically sustainable coastal zone planning taking into account climate change and sea level rise, conservation and management of coastal landforms and ecology, particularly Intermittently Closing and Opening Lakes/Lagoons and their catchments and community engagement.

The main issues raised by conference participants were;

- lack of vision for protecting and managing the natural and cultural values of the coast and for initiating a comprehensive coastal policy focussing on the public interest.
- recent changes to the Coastal Protection Act including removal of State-wide sea level rise benchmarks and allowing private land owners to undertake works on public or private lands without the need to wait until erosion occurs or is imminent.
- proposed introduction of a new environment, planning and infrastructure Act which seems likely to downgrade coastal protections in the current Environment Planning and Assessment Act
- changes in direction, delays, inconsistencies in Coastal Management Policies.
- more effective ways of engaging the community in coastal issues.

My report discusses the presentations regarding these issues in more detail, as well as some of the more technical issues of particular interest to me. Conference papers are available at [www.coastalconference.com/2012/default.asp](http://www.coastalconference.com/2012/default.asp)

**Lack of vision for protecting and managing the natural and cultural values of the coast and for initiating a comprehensive coastal policy focussing on the public interest.**

Professor Stephen Dovers Director, Fenner School of Environment and Society and ANU Public Policy Fellow, Australian National University delivered a keynote address on his concerns regarding the loss of a visionary approach to protecting the natural and cultural values of the coast.

He considers that a wind-back in programs and regulation is occurring at the same time as climate change is impacting and habitat is being lost and fragmented by development, resulting in continuing decline of native flora and fauna species. Whilst at the national level initiatives such as expansion of the Natural Reserves System, Indigenous Protected Areas and establishment of wildlife corridors are important, he considered we are losing ground with respect to coastal zone protection. He discussed the following concerns;

- National Parks are no longer “forever” with a weakening of planning and management to provide for increasing uses and development.
- no vision and narrative for the coast is evident with limited debate at National and State levels.
- the coast is a case of “everyone’s business, but no-one’s responsibility,” with critical issues slipping through the policy cracks.
- policy should be integrated, through over-arching institutional mechanisms.

Concerns regarding coastal policy and institutional arrangement were raised by several speakers including Professor Bruce Thom, Mr John Corkhill, Southern Cross University, Lismore and Alan Stokes, National Sea Change Task Force and supported at plenary sessions. These concerns involve insufficient action at the national level and failure of both the previous and current NSW Governments. In particular speakers focussed on a need to reinstate the NSW Coastal Council or to establish a body with similar policy oversight of coastal issues. The current NSW Ministerial Task Force on the Coast has a narrow focus and has been urged to reinstate the Coastal Council as part of its Stage 2 reforms.

Whilst the NSW Government indicated in its Planning Reforms Green Paper, that it will develop a new Coastal Management Policy, current decisions indicate absence of a coherent vision to both protect the coast and its ecosystems in the face of population and development pressures, climate change and sea level rise with private rather than public interests influencing public opinion and political decisions.

The demise of the Coastal Council in 2005 was considered to have resulted in loss of public representation in development of coastal policy and decreased co-ordination and integration of programs between Government Agencies and with Councils, with public interest priorities such as conservation and planned adaptation to sea level rise losing out to private interests of landowners and developers.

Professor Bruce Thom, former Chair of the NSW Coastal Council advocated enshrining the public trust doctrine in legislation to ensure that beaches are maintained and protected for the public good. In the USA and UK central governments, states and local government recognise that “they owe a duty of care in protecting the natural assess of beaches and dunes as well as the right of access to beaches for the common benefit of the public.”

In these countries, private land owners and authorities do not have a right to protect their properties with sea walls etc, structures which are likely to damage public beaches and other private property. In NSW existing measures such as the Coastal Protection Act and SEPP 71 coupled with LEPs, only require consideration of impacts on beaches and other coastal features as “matters for consideration.”

Conference participants were concerned also about the future of Catchment Management Authorities especially the coastal and marine and biodiversity programs, once they are restructured as part of Local Land Services.

Pam Green the Chair of the Southern Rivers Catchment Management Authority expressed concern regarding the loss of so many staff positions, with reductions in the number of CMAs and the break up of current CMA responsibilities. The new Land Care Services will have responsibility for NRM and the Catchment Action Plans. Native Vegetation and Biodiversity/Caring for our Country activities will move to Office of Environment and Heritage. The future of coastal and marine projects is uncertain although the boundaries will include coastal and estuarine waters up to 3 nautical miles from the coast.

Whilst the CMA CAP for 2013-2023 will retain resilience thinking and a triple bottom line landscape approach it is not clear whether the important collaborative engagement approach of the current SRCMA will be retained across the responsible organizations. The CAP will be available for community comment soon.

The emphasis so far in statements regarding Local Land Services is on private landholders and community needs, private land rather than public land, primary industry and farm business, biosecurity, plant and animal pest control, with NRM at the end of the list. The governance arrangements seem focussed on stakeholders and political appointees. It is hard to see how community members involved in coastal/marine NRM would have a voice in the new arrangements.

Members of the Local Land Services Reference Panel do not appear to have expertise or experience in coastal and marine issues or more generally in management of the natural environment.

However the Local Land Services Reference Panel is seeking community comment as developments unfold.

You are encouraged to comment at; <http://haveyoursay.nsw.gov.au/locallandservices>

**Recent changes to the Coastal Protection Act including removal of State-wide sea level rise benchmarks and allowing private land owners to undertake works on public or private lands without the need to wait until erosion occurs or is imminent.**

In September 2012, just prior to the NSW Coastal Conference the NSW Government announced amendments to the NSW Coastal Protection Act. The previous Government's 2010 amendments established coast-wide benchmarks of .4 m by 2050 and .9 m by 2100 for planning and management of sea level rise. Instead of a policy of "planned retreat" the amendments introduced measures to defend private property by permitting ad hoc construction of emergency coastal protection works, following assessment and Council authorisation.

The recent changes;

- remove the former coast-wide benchmarks for planning and management of sea level rise and gave local Councils choice of a range of SLR projections, thus increasing the workload and creating confusion and disputation. Thus consistency in approach for all coastal councils has been lost with potential for confusion, duplication and increased litigation.
- change requirements for notations on Council Planning certificates for properties exposed to coastal hazards and flooding, to focus on current risk exposure to coastal hazards and flooding rather than future risks from sea level rise.
- allow landowners to undertake works such as large sand bagging at any time on public or private land without the need to wait until erosion is occurring or is imminent, with a maximum period.

(See [www.environment.nsw.gov.au/coasts/stage1coastreforms.htm](http://www.environment.nsw.gov.au/coasts/stage1coastreforms.htm))

The NSW Ministerial Task Force on the Coast claimed that these decisions were made on the basis of "uncertainty in projections." However the Report of the NSW Chief Scientist was that the science behind the 2010 benchmarks was sound.

The Government decisions were criticised for a range of reasons;

- abdication of responsibility to protect the public interest in the face of lobbying from high profile landowners, concerned with property values.
  - illogical to expect Councils to establish SLR benchmark decisions on the same evidence that the Government has rejected.
  - high risk approach, inconsistent the precautionary principle, given expert projections are tracking higher than the previous benchmarks.
  - ad hoc coastal protection works undertaken by private landowners would increase erosion risks for neighbours and destroy public beach amenity, infrastructure, as well as diminishing effective coastal management.
  - increase in litigation and in councils' legal liabilities.
  - the Southern Councils Group wrote to the Ministerial Task Force seeking strengthening of the requirements but instead the response had been "Cut loose, on your own, do what you want."

A copy of a media release 8<sup>th</sup> November 2012 issued by the Australian Coastal Society on the basis of concerns expressed at the Conference is **attached**.

The NSW Ministerial Task Force on the Coast is also looking at the proposed Planning Reforms in relation to any need for changes to the Coastal Protection Act including possible relaxation of prohibition on off shore sand extraction.

**Proposed introduction of a new environment, planning and infrastructure Act which seems likely to downgrade coastal protections in the current Environment Planning and Assessment Act.**

Several speakers including the Environmental Defenders Office, the Southern Group of Councils and community participants speaking in open forum sessions, raised concerns regarding conflicting messages and loss of protections for the coastal zone in the proposed reforms to the EP & A Act.

The following issues were raised;

- on the one hand the reforms seek to restore public confidence through a Public Participation Charter for community engagement in strategic planning, but on the other do not propose that these rights be secured in the Act. No details of the charter are available as yet.
- whilst encouraging public participation at the strategic planning level, proposing less or no opportunity for public comment regarding development applications, once strategic plans in place. Gateway rights for rezonings strengthened for landowners/developers, with public interest excluded.
- E-planning to make public access to information easier, but removing information re hazards and sea level rise from titles.
- commitment to a Policy on Coastal Management but without specifying the content. The intent is apparently that this policy would replace SEPP 71 the Coastal Protection SEPP, SEPP 14 Coastal Wetlands and SEPP 26 Littoral Rainforests. Some parts of SEPP 71 and REPs are now included in LEPS. Prohibition of development in "Sensitive Coastal Locations" as existed in Part 3 A would no longer to apply. The impacts of climate change in relation to the coast and other environments are not referred to in the Green Paper.
- NRM policy promised but no detail.
- DCPs are collapsed into LEPs as guidance with implications for enforceability.

- the direction of Strategic Plans has already been set by the title “Regional Growth Plans” thus pre-empting community comment proposing different directions.
- State Significant Infrastructure Projects, can be exempt from environmental assessments and concurrence. As bad as Part 3 A or worse.
- streamlining approvals with emphasis on the “right to develop.”
- concurrence with expert agency requirements switched off.
- increasing exempt and complying development.

### **Changes in direction, delays, inconsistencies in Coastal Management Policies.**

Shoalhaven City Council staff raised a series of concerns regarding the difficulties of planning for the future of the Shoalhaven Coastline. These included;

- the scale of the impacts of SLR has not been taken into account. The current focus is on protecting private land and properties from erosion. However entire communities will be significantly impacted with the risk of sewerage pumps, roads and water supply failing due to coastal erosion over the next 40 years, at the very time that a 30 % increase in population is expected.
- aligning Council’s planning with Government directions, which keep on changing whilst ensuring that Council has the most up-to-date information and data.
- co-ordinating differences of opinion between planners and engineers.
- how best to achieve collaborative community engagement to enable the community to have access to the best available data, to have a say and contribute to decision-making, when Government directions are inconsistent.

Other speakers raised concerns regarding the delays and inconsistencies in provision of State Government agency advice to Councils. There was a nine year delay from the previous Government announcing it would create a new Coastal Zone Management Manual to release in 2010, of the “Guidelines for Preparing Coastal Zone Management Plans”. It now seems that the new Government will “review” this document.

### **Effective ways of engaging the community in coastal issues.**

Ben Peacock of “The Republic of everyone” gave a key-note address on “Selling the dream.”

Ben spoke of the philosophy and approach of his organization, “The Republic of everyone.” to sustainability. The organization is an “Agent for change” in engaging the community in sustainability activities such as the “Whale Tails” project, the “Garage sale trail” and “Grow it local” at Bondi.

He emphasised positive approaches to “selling the dream” ie envisioning what it would be like to achieve a particular objective, rather than trying to motivate people by fear, criticism of home or family behaviours or assumptions that people would respond if the issue is presented as a large problem. He advocated amongst other things engaging people through having the right spokespeople ie good communicators, giving “ownership” and creating community.

Several papers focussed on community engagement in climate change issues and sea level rise in particular. Other community initiatives, many of which were funded via the Southern Rivers CMA included the following;

-Monitoring Marine Biodiversity, Invasive Species and debris loads in Batemans Marine Park. The Nature Coast Marine Group trained a group of scuba divers to undertake this project.

-Who care? How to engage the unaware public. The Marine Discovery Centre engaged groups of school children and their parents in growing an oyster as the point of engagement for consideration of marine ecosystem health and its relationship with maintenance of the oyster industry.

-Community engagement through social networking, media and innovative approaches to project delivery-engaging our youth. Megan Rowlett of Conservation Volunteers Australia has engaged many young people in Bushcare and other hands-on environment regeneration work in the Wollongong area.

### **Pre-conference Estuary Technical Workshop.**

I attended part of this workshop, to hear the presentation by Dr Peter Scanes on “Estuarine ecosystem health assessment.”

Dr Scanes introduced the program to research ecosystem health of estuaries on the NSW Coast, which will research, monitor and assess the “pressures” on and “condition” of a representative group of Estuaries. The program will sample one of the three regions each year, with 36 estuaries per year, plus 6 every year. The estuaries have been classified as intermittent or permanently open, which are susceptible to eutrophication and randomly selected.

The new research system incorporates the MER (Monitoring, Evaluation and Research) program “pressure” indicators with “condition” indicators focussed on estuary ecosystem health together with the CERAT (Coastal Eutrophication Risk Assessment Tool.)

The system is to be used to enhance estuary management and land use as well as to keep communities informed of the condition of their estuaries via Community Ecosystem Health Report Cards. The focus is on qualitative indicators of ecosystem health, including benchmarks for each estuary, which will emphasize their individual values as natural waterways beneficial to human uses.

The “pressure” indicators include;

- land uses, including nutrient loads from urban development.
- population
- foreshore, riparian and entrance changes eg dredging, intervention in Lake openings.
- recreational uses.

The core “condition” indicators are;

- Turbidity.
- Chlorophyll a (micro-algae, which indicates algae abundance.)
- Salinity.
- CDOM and Dissolved Oxygen.
- Macrophyte and ooze extent
- Observations of seagrass, riparian condition, birds and fish.

Dr Scanes emphasised that it is essential to eliminate or reduce the “pressures,” as once nutrient loads have increased it is impossible to reverse the condition of degraded estuaries.

The biomass, ie algae and seagrasses expand to take up the nutrients, so there are limited nutrients left in the water to measure. Therefore assessment of nutrients is only useful as a broad indicator of estuary condition. The focus is now on assessment of Chlorophyll A as a measure of the abundance of micro-algae in response to nutrient enrichment.

### **Estuary Ecosystem Health.**

The “Program to Monitor Ecosystem Health of Estuaries on the NSW South Coast” was discussed further in a presentation by Danny Wiecek of the Office of Environment and Heritage Wollongong.

Both Shoalhaven City Council and Eurobodalla Shire Council have been working with OEH to modify their existing estuary management programs to focus on “condition” indicators in addition to “pressure” indicators in line with the “NSW Government Natural Resources Monitoring, Reporting and Evaluation (MER) Program (estuary theme).

The presentation included examples of outcomes for individual estuaries, including Lake Wollumboola.

These initiatives have resulted in Shoalhaven and Eurobodalla Councils developing “Ecosystem Health Report Cards” for their estuaries. These will be publicly available in due course.

### **Intermittently closing and opening lakes and Lagoons.**

Kerryn Stephens of the Coast and Floodplain Policy Unit Urban and Coastal Water Strategy, Office of Environment and Heritage addressed the issue of “to open or not to open...” ICOLLs.

A new Guide regarding policy on opening lakes will be available soon.

The Guide will aim for “as natural opening regimes as possible,” with community engagement to facilitate greater understanding of ICOLLs and the adverse impacts of too frequent artificial openings. A discussion ensued regarding ways of engaging and dissuading groups who are intent on opening ICOLLs. The Guide will emphasize that opening coastal lakes does not get rid of pollution as is popularly claimed.

The potential impacts of too frequent artificial openings were discussed including;

- changing the ecosystem to more of a marine rather than lake environment.
- fish kills.
- changes to hydrology of wetlands and therefore wetland vegetation.
- reduced fish habitat.
- increased sand shoaling
- reduced opening duration, because of increased scour.

Dr Philip Haines also presented an interesting paper on “Groundwater impacts on Mostly closed, Displacement Dominated ICOLLs.”

**Frances Bray PSM BA Dip Ed B Ed**

**January 2013.**